

Express Mail No. EV 453252863 US

## REMARKS

Upon entry of this Amendment, claims 39-58 and 61-63 remain pending and under consideration.

Reconsideration is respectfully requested of the rejection of claims 39-58 and 61-63 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The structure in claim 39, from which all other claims ultimately depend, has been amended to incorporate the  $X^0$  substituent, which was present in the formula of claim 39 as originally filed (see claim 39 of US 2004/0138275 A1). The  $X^0$  substituent was inadvertently omitted from the formula of claim 39 in Amendment A and the oversight was carried through in Amendment B. In addition, the formula of claim 46 has been reintroduced as it no longer coincides with that of claim 39. The formula of claim 46 was present in the claim as originally filed (see claim 46 of US 2004/0138275 A1). The  $X^0$  substituent in the formula of claim 46 is hydrido; thus, the substituent was dropped from the formula altogether for improved readability.

Contrary to the Office's assertions, the definition of  $R^6$  is found in claim 39 within the definition of J.<sup>1</sup> To improve readability, however, applicants have amended claim 39 by reciting the  $R^6$  variable in a separate paragraph.

The definition of  $R^{20}$  and  $R^{21}$  have been removed from claims 42 and 43 thereby removing the basis for this rejection.

The definition of  $Y^0$  in claim 39 has been amended to remove the "T" designation and clarify that the bond between  $J^5$  and  $D^5$  is a double bond. Accordingly, the basis for this rejection has been removed.

---

<sup>1</sup>In claim 39, J is defined to be "selected from the group consisting of halo, haloalkyl, hydroxy, hydroxyalkyl, amino, aminoalkyl, cyano,  $O-R^6$ ,  $NH-R^6$ , and  $S-R^6$ , **wherein  $R^6$  is alkyl or haloalkyl;**" (emphasis added).

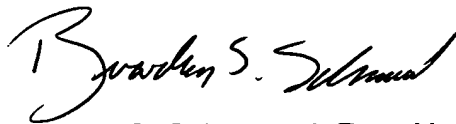
Express Mail No. EV 453252863 US

### CONCLUSION

The Examiner is invited to contact the undersigned attorney should any issue remain unresolved.

The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of government fees to Deposit Account No. 19-1345.

Respectfully submitted,



Bradley S. Schammel, Reg. No. 54,667  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

BSS/vlm

Mail Stop AMENDMENT